DEBATE IN THE SENATE.

THE NEBRASKA QUESTION.

IN THE SENATE, MAY 25, 1854. The Senate having under consideration the House bill to organize the Territories of Nebraska and Kansas, and the pending question being on the amendment of Mr. Prance to the fifth section, to strike out the words— "And those who shall have declared on oath their inten-tion to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of

-so that the proviso shall read :

"Provided, That the right of suffrage and of holding officeshall be exercised only by citizens of the United States."

Mr. BADGER said: It is proper, Mr. President, perhaps, after the remarks which have been made by the honorable Senator from Tennessee, that I should submit a few observations to the Senate. I shall do it upon a particular subject-matter in which I am concerned, and shall not enter into any discussions about the comparative patriotism of the people of the different sections of the Union, or the degree of reliability in the support of the National Union to be placed upon Northern Whigs or Northern Democrats.

Northern Democrats.

I left the Senate chamber yesterday, while the Senator from Tennessee was making his remarks, under the impression that we were going to have a long session, that we might probably be here until late in the night. I left the Senate for the purpose of getting something in the way of refreshment, that I might be prepared, with more ease and convenience to myself, to endure the long continued process of sitting up. I was sent for two or three times with the information that the Senator from Tennessee proposed to say something with respect to me, and desired my presence. When I had completed the very essential purpose for which I left the Senate I returned and found that the honorable Senator, as I was told by others, had been disputing the authority upon which I made my statement to the Senate on the 16th day of February last, that the Southern Whig members of this body were united in the support of this bill. When I came in were united in the support of this bill. When I came in and ascertained the course of remark pursued by the honorable Senator, I took the opportunity which he afforded to me of stating on what grounds I had made that representation. But, for some reason or other, I know not why, the honorable Senator seemed yesterday to be exceedingly impatient of allowing any body to get through with a complete statement of what was necessary to make his remarks understood. I desire, therefore, now to state again distinctly what I understood to have been the facts

n relation to that transaction. We had a meeting of Southern Whig Senators, called not at my instance—I knew nothing about the purpose of having such a meeting—but called, as I understood, at the instance of the Senator from Delaware. I attended that meeting. We were there informed that certain articles had appeared in the National Intelligencer taking very strong and decided ground against this measure, as involving a breach of national faith; that, as that paper had been for many years the generally recognised organ of the Whig party, this difficulty was likely to be produced: that Southern people might suppose that, upon this particular subject, that paper spoke the sentiments of the Southern Whig members of this body. I knew nothing about those articles. In one respect disadvantable of the sentiments of the Southern Whig members of this body. tageously, and probably in many more with like disadvantage, I do not resemble my friend from Delaware. I am not in the habit of reading long editorials which discuss the merits of questions pending before this body. Whether illy-placed or not, I still have sufficient confidence in myself to suppose that I can find out how to direct my public course without calling in the assistance of the public journals of the day; and when I need help, which I often do, and which I seek promptly, so soon as I find the need of it, I generally have recourse to such sources of information as I think will be best calculated to aid me.

But my friend from Delaware seemed to entertain the opinion that this was producing a misapprehension in the public mind of the South as to the views of those who represented that section of the country on this floor.
Well, sir, a resolution was adopted at that meeting, which
my friend from Georgia has read. That resolution declared that the National Intelligencer did not represent
the views of Southern Whig Senators on this question. I
assented to that resolution, not because I had read the articles, but because I understood from brother Senators what those articles were.

Now, Mr. President, at that meeting, assembled at the

call of the Senator from Delaware, was present, among others, the Senator from Tennessee. So far as I know he did not dissent. I heard no dissent from him as to agreeing in the resolution proposed by the Senator from Geor-gia. After these proceedings were done it was suggest-ed that, as I had the floor upon the Nebraska bill for the ed that, as I had the floor upon the Nebraska bill for the next day, as the most prompt and convenient method of disabusing the public mind of the South in relation to the position of Southern Whig Southern War and the state of the position of Southern Whig Southern War and the state of the position of Southern Whig Southern War and the state of the subject of this bill.

Now, sir, whether the honorable Sonator from Tennessee was present at the time when this request was made of course I cannot undertake to determine. Against his denial I do not undertake to assert it. I considered all

of us who were there as known friends of the bill. had met to treat of an article which was likely to do wrong, by leading to unjust conclusions as to our position upon that bill. Well, what was the position assumed or said to have been assumed, by the editors of the Na-tional Intelligencer which might produce this mischiev ous impression? The position assumed by the National Intelligencer was that this bill was a violation of national faith; that it ought not to be passed, and, as a necessary quence, that we were not in favor of passing what was thus announced to be a breach of national faith. Why, sir, by the adoption of that resolution every gentle-man present declared himself to be in favor of the bill, nderstood, and as I suppose every other man would have understood, unless some suggestion or qualification had been made by some gentleman present.

We met to rectify a mistake likely to be committed in

the South in consequence of the statement of the Intelli-gencer against the bill. If we were against the bill also, how was that likely to hurt us? If we were against the bill, so far from having a right to complain of the course of the Intelligencer, we owed it thanks for promptly com-ing forward before we could and denouncing this viola-tion of national faith. The only possible motive for complaining of the Intelligencer was, that it represented one set of opinions while we entertained another. The declaration which it was proposed we should make was not for the purpose of letting us know where we were. It was not for the purpose of preventing mistakes in the Senate chamber as to where we were. It was for the purpose of preventing the men of the South from being impressed with a mistaken idea as to our position.

Well, sir, such being the state of the case, it being dis-

tinctly understood, by the very act of being there, and by the resolution which was adopted, that we were in favor of the principle of the bill denounced by the Intelligencer, why, of course, when I was requested, at the close of those proceedings, to make this anneuncement, I did not run my eye around to see who was present or who ht have left the room. I took it for granted we were all agreed upon that. Independent of any such request being made, if I had been asked, "How are the Southern Whig Senators on this subject?" I should have said, withwhig Senators on this subject?" I should have said, without hesitation, "united to a man." Several of the gentlemen were absent. My friend from Maryland (Mr.
Prance) was absent. Therefore, I could not infer, from
any thing that passed there, that he was in favor of the
bill; but still I was satisfied that he would be in favor of
the bill, and I should have said, if I had been asked the question, that we were all united to a man in favor of this

asure When, therefore, I made the statement which I did to the Senate, I supposed I was speaking what would meet the general approbation of all the Southern Whig Sena-tors, the Senator from Tennessee included. I could have had no wish, no purpose, no object to accomplish by mis-representing his position. If I had had a desire, for any purpose, to present him in a false position before the try, why, without setting up any very high claims to om, I certainly should not have been so lost to common sense as to stand up in his presence and state he was in favor of the bill if I had any reason to believe he was

opposed to it.

Therefore, sir, in regard to this whole matter of fact, about which the honorable Senator has indulged in some hypothetical denunciations, in language not very chaste and classical—language which, I must say, does not often fall from his lips—it all resolved itself into this: he was not from his sips—it all resolved itself into this: he was not present at the time when this request was made by the gentlemen left at the meeting after the other business had been disposed of. I supposed he was; and therefore supposed myself authorized to make the statement which I did make.

I did make.

But, Mr. President, independently of this request, I should, after what had passed, have felt myself perfectly at liberty, in the course of my remarks, to say that the Southern Whig Senators were all for this bill. I supposed so. I could suppose nothing else. I knew not from the Senator from Tennessee that his mind was in a from the Senator from Tennessee that his mind was in a state of doubt or uncertainty about it. If I had had any such doubt or uncertainty in my own mind, I should have expressed it at once in the meeting. I am not dictating my course to the Senator; but I am explaining why I same to so clear a conclusion, independently of the request to make the announcement, that he, with the rest of us, was a supporter of the Nebraska bill. That is the whole series of the senator privately about that.

The proceed to say any thing in relation to these subjects, I desire to call the attention of the Senator from Tennessee to a remark he made, during the intense excitement of this discussion, which seemed at the time to apply the word "false" to me.

Mr. BELL. I have waited upon the honorable Senator privately about that.

Mr. CLAYTON. Yes; I know the Senator privately about the senator privately about

statement should be appended, if I had supposed he wished it, if it had entered into my mind that he desired me to append such a statement, it would have been done promptly. But why, Mr. President, should it be done? The Senator says he did not rise to correct me, because he did not wish to appear to take ground against his Southern friends. Mr. BELL. I said because I chose to do it when I

Mr. BELL. I said because I chose to do it when he could explain my reasons.

Mr. BADGER. Precisely. Then the Senator chose to to do it when he could explain his reasons. How consistent would it have been for me to put a note to my speech, and excepted the honorable Senator from Tennessee out of the unanimity of the other Southern Whig Senators, unless he had also appended there the explanation of his reasons! I think, therefore, the Senator's complaint on that subject is entirely without foundation.

All I have further to say on the subject is, that having, in making this statement, sincerely believed that I was in making this statement, sincerely believed that I was speaking just as much the sentiments of the Senator from Tennessee as I was speaking my own. I have no idea. Tennessee as I was speaking my own, I have no idea, (whether I was mistaken or not about the presence of the Senator from Tennessee,) I have no idea how, because the Senator from Tennessee thereafter came to the conclusion which, as I understand him, he had not formed then, to vote against this bill, a retroactive effect can be given to his subsequent determination, so as to impose blame for a statement made in good faith upon me, who could not know what the ultimate conclusion at which the Senator would arrive might be, and who, not being aware of the doubts and difficulties he then had, was led to conclude, both from his set in the Canada and doubts and difficulties he then had, was led to conclude, both from his vote in the Senate and from what had passed at that meeting, that he, like the rest of us, had made up his mind to go for the bill. But, sir, I leave it to the judgment of the Senate whether, under the circumstances, I had not the fullest authority—I do not mean the fullest authority in the sense that the Senator was in fact present at the time the request was made, but the fullest authority under the circumstances in which I was placed—for announcing that we were united to a man in support of this measure?

Mr. President I appeal to the Senate

of this measure?

Mr. BELL. Mr. President, I appeal to the Senate whether the honorable Senator, by his own statement, does not undertake to affirm that I was present when the proposition was made that he should be authorized to announce that the South was a unit on the bill?

Mr. BADGER. I said distinctly that I certainly would not make such a statement against the Senator's denial

not make such a statement against the Senator's denial. Mr. BELL. There is not a man who saw me there. I do not choose to let it stand on my denial. The Senator from North Carolina, with his usual ingenuity and dialec-tical tact, while he has intended apparently to exonerate me from the charge of being present when the resolution was adopted to authorize him to make the statement which he did at the close of his speech, has attempted to fasten the impression on the minds of the Senate and the public that I was just as much bound as if I had been there. That he is capable of such a course no man who has any thing to do with him in a controversy can doubt. I am sorry the honorable Senator has taken occasion to revive sentiments which had been eradicated from my

Mr. BADGER. I did not know there were any feelings

to be removed, unless they sprung up yesterday.

Mr. BELL. I will go on and explain. Sir, I have regarded the Senator from North Carolina as my friend, but from his course now I can have no future claims upon him as a friend; and I have been mistaken in supposing that he ever was my friend. If he had been my friend he would have asked my views before he made the declaration in his speech, unless he was certain that I was present at the time the proposition was made, that he should make the announcement which he did. I ask the Senate if I am not authorized to come to this conclusion? The Senator's language was to this effect: that I being by, and not dissenting, and the object being to ascertain what was the sense of the Southern Whigs in regard to

the National Intelligencer, he could not doubt, even if no proposition had been made that he should state it in the Senate, that there was no non-concurrence in the proposi-tion. He said he did not want that proposition to satisfy him. But standing in the relation of friend to me, and nothing more had transpired at the meeting than what was done in relation to the Intelligencer, and I taking no part in the meeting, was it not his duty to have consulted me before he made the announcement in the Senate when he could have done so without any inconvenience After I informed him, on the conclusion of his speech, that he had no authority to commit me, why did he not seek to do me justice? He says he did not believe that I was in any doubt or anxiety of mind! evidently an at-tempt to be contemptuous, so far as he could by his

Mr. BADGER. You are mistaken; I did not mean any ontempt at all.
Mr. BELL. No, sir; the honorable Senator has too much tact to express it. I told the honorable Senator howard authorized to make any such declaration to in was not authorized to make any such declaration to in-clude me. When a Senator makes such a statement to his fellow-Senator, whom he regards as his friend, ought he not to do justice in some form? Ought he not to have asked how he could do it before he published his speech? or ought he not to have qualified his statement before he

committed it to the press?

From the ingenious wording of the remarks of the honorable Senator, I do not know whether he suppores any responsibility to rest upon me on account of the meeting cer. It was desired that our opinions might be commu-I have explained that I considered that there could have I have explained that I considered that there could have been no real purpose to remonstrate against the course of the Intelligencer; that I had no such conceptions of my part. The honorable Senator from Georgia says that he had no idea but that such a purpose was entertained and that it was to be made public, that it was the intention of the meeting that it should be made public. No, sir; I had no idea that the Whigs of the South would assemble, under the circumstances, to make a formal declaration to the editors of the Intelligencer that they were misrepresenting Southern sentiment, or to remonstrate against their course in any form whatever; nor did they carry into effect or make any further attempt to effect such a

purpose.
I told gentlemen distinctly that that was my ground. did not suppose that the object avowed was meant to be carried out. I had no idea but that there was an object carried out. I had no idea but that there was an object behind what was expressed. If the question had been propounded to me, or to the meeting, when I was present, as it is said to have been propounded at the close of the meeting, whether the Senator from North Carolina should be authorized to make the statement which he did make, I should have felt compelled to make some response. I do not now remember the date of that meeting, but I do know that I was under the most solemn pledges to some of my colleagues in the House not to come to any conclusion in favor of the bill during the first half of the month f February.

I have no ground of complaint against any gentleman who takes the position of alienation from me, of non-in-tercourse, of having no friendly relations, because of the course which I have taken in regard to this measure. I have nothing to ask of them. I am convinced now that I ought to have made my dissent from the statement of the honorable Senator from North Carolina public, and not to have relied on him to do any act of justice, much

less of kindness to me.

Now, the Senator from North Carolina will allow me to say that I never could account for his own course on this subject, and the public, I know, were very much aston-ished when he announced it in the speech so often alluded to. They were taken by surprise when he announced him self in favor of the Nebraska bill. I do not know the fact because I had no intercourse with the honorable Senator at any time on the subject: but as highly honorable gen-tlemen as any in this land declared to me, but a few days before the honorable Senator from North Carolina made his speech, that he was against the Nebraska bill—not on the Indian question alone, but against the whole measure. The honorable Senator will understand that I do not say that it was really so; but that was the representation made to me, and if a meeting anterior to the date of his speech had been called to test the position of Southern Senators on the Nebraska bill, I would have supposed that the honorable Senator himself was one of the Southern Senators whose course the meeting was called to ascer-tain. I know that was the sentiment of many of his associates. I may have done the grossest injustice to him; and if he will say so I will retract what I have said. I have no authority for making this statement, except the declarations of honorable gentlemen. I would regret having to announce their names. If the honorable Senator says it is not true, we shall never have any contest about it. If he says he was not against the bill at first, or against the proposition to repeal the Missouri compromise as mischievous and calculated to do no good, I will say nothing more about it. But, sir, I will not press that point fur-

ther.

Mr. CLAYTON said: Mr. President. I have made several efforts during yesterday and to-day to obtain the floor with a view not only to discuss the merits of the proposition before the Senate, but to prevent the misapprehensions which have led to the unpleasant scenes through which we have just passed; and now, before I proceed to say any thing in relation to these subjects, I desire to call the attention of the Senator from Tennes, see to a remark he made, during the interne available.

affair.

The honorable Senator says that, after I had concluded my speech, he told me that I was not authorized to make that statement for him; and he thinks he has a right to complain that I did not append a note to my printed re-

marks, for the purpose of saying that the Senator from Tennessee was not one of those for whom I was authorized to make that statement. Now, I will say frankly that if the Senator had intimated to me a wish that that

Next, sir, I desire to allude very briefly to the incidents which have been so much commented on in the progress of this discussion by honorable Senators who have acted with me on this side the chamber. The discussion has been exceedingly painful to me. I have felt pained that my political friends should misunderstand each other with reference to a matter which I think and have thought from the beginning is easily susceptible of explanation, without leaving room for the slightest reexplanation, without leaving room for the slightest reflection on the honor of any man who has been engaged in this controversy. But the excitement of the honorable Senator from Tennessee, when I rose for the purpose of endeavoring to explain this matter, was such that he would not yield the floor to permit me or any one else to proceed; and consequently the scene has ensued which the Senate has witnessed. The explanations since made have rendered it unnecessary for me to say all that I intended of this matter. But I may properly state, in regard to this meeting called a caucus held by the Southers whigh Senators in February last, that on and prior to that date personal and political friends called my attention to the articles in the National Intelligencer which denounced the repeal of the Missouri compromise. My attention was repeatedly called to them by other persons, until at last it was suggested to me that, to effect an understanding with our friends who edited the paper, some consultation should be had on the subject with those Senators who, as Whigs, were to be affected by the influence of the paper. Forming a small division of the Senators third of the hour it was very desirable. nators who, as Whigs, were to be affected by the influence of the paper. Forming a small division of the Senate, less than a third of the body, it was very desirable for us to act together in regard to the principle contained in this bill. Upon comparing opinions with those with whom I conversed I did not suppose there was any doubt as to the Southern Whig members of this body being unanimously in favor of the justice of repealing the Missouri compromise line, though its expediency at this time might not be so apparent. I do not propose now to go into a discussion of that question; I stand committed on the record on the whole subject. My opinions have gone before the country fully in favor of the justice mitted on the record on the whole subject. My opinions have gone before the country fully in favor of the justice of repealing the eighth section of the Missouri act, but not in the mode adopted in this bill; and all the principles which have actuated me from the introduction of this measure to the present time are fully disclosed in the remarks which I had the honor to deliver to the Se-

nate on a former occasion.

There was but a single paper advocating Whig principles in this city. The opposite party had several. There were, according to my count, thirteen Whig Senators from the South in this body and six or seven only from the North. It seemed to the gentlemen with whom I conversed that it was but fair that our opinions should be heard by the editors of that highly respectable paper, the National Intelligencer, who we supposed were acting in the dark, without knowledge of our opinions. And I thought it was proper that those opinions should be communicated to them, not for the purpose of intimidating municated to them, not for the purpose of intimusting or overawing or controlling the paper in any form whatever; nothing was ever further from my thoughts; but to enable them to comprehend the position of the majority of the party whose principles they had espoused and had advocated and maintained with signal ability from the very origin of the party. This was deemed but an extend the party of invalence to them as well as to ourselves. an act of justice to them as well as to ourselves.

Well, sir, on that day, the 15th of February, the amendment of the Senator from Illinois (Mr. Douglas) to the bill then pending before the Senate was adopted, which provided, in lieu of a provision in the original bill, that the Missouri compromise act of 1820—

"Being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, (commonly called the compromise measures,) is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

way, subject only to the Constitution of the United States. This amendment was adopted by a vote in the Senate of yeas 35, nays 10. In favor of this amendment was re-corded on that day the vote of every Southern Whig Senator. We assembled, in pursuance of suggestions which had been made to me and which I had made to others, in a room here at the Capitol. Our meeting lasted but a very short time. Perhaps fifteen minutes was the extent f the duration of all the conference we had. Gentleme will perceive how easy it might have been during so short an interview for one to have misunderstood another, when there were so many views connected with this great measure to be presented, and when some were coming in and others going out. I concur in the statement made by the honorable Senator from Louisiana, (Mr. Benjamin,) that honorable Senator from Louisians, (Mr. Benjamin,) that this was considered by some of us as a confidential consulta-tion. It was the impression which was made on my mind. I supposed the proceedings were to be considered as con-fidential as in other meetings of a similar character. I never had any objection myself to the statement of mat-ters that were connected with that meeting, unit could not have spoken to others of them consistently with my own views. Yet there was nothing said or done there which might not have been promulgated to the whole world; and there was nothing said or done there which could have caused a blush on the cheek of any man who was present. I say there was no effort, there was no intention, to control or to overawe the National Intelligenfectly independent and free to pursue such a course action as to them would seem proper. A committee for this purpose was appointed; and, I believe, the honorable gentlemen who were present left the room with the impression that the committee would wait upon the ediors of the Intelligencer and communicate the proceed ings of the meeting to them. I have no doubt that was

With regard to the question whether the Senator from ennessee was present at the time when the matter referred to by the Senator from North Carolina was exressed I have no knowledge, but I do not believe he was. cannot tell at what time the honorable Senator was pre sent or when he left the room; and I am bound of course, without the slightest hesitation, to accept his own state-ment that he was not present when it was proposed that the Senator from North Carolina should announce to the Senate in his speech on the next day (for then he had taken the floor for the purpose of speaking on the next day) that the Southern Whig Senators were unanimous favor of the principle which had been denounced by the Intelligencer; that is, the repeal of the Missouri com promise line.

I have no doubt that every man who has been concern

ed in the debate has stated conscientiously his own con-victions in relation to every thing that occurred there. The discrepancy which has arisen between their state-ments is such as would be often found to exist between the same number of men assembled in a hurried interview for the same length of time in reference to any othe matter of equal importance. Sir, I know very well that t went abroad that we met for the purpose of overawing and denouncing the Intelligencer and controlling its inde and denouncing the intelligencer and controlling its inde-pendent operation as a free press, but there is not one word of truth in that statement. No man in that meeting harbored any such idea. If any did I did not understand him, or I should have at once refused to concur with him. But after the meeting had adjourned, when the committee began to talk together upon the subject, the thought occurred to them, and was freely expressed by the mem-bers of the committee, of whom the honorable Senator from North Carolina was one, that it was a measure of, to say the least, doubtful expediency, whether they should proceed, without further consultation with friends to perform the duties of the mission with which they had

Mr. BADGER. Will my friend from Delaware, at this point, allow me to remind him that I suggested, as a reason why I thought it was wrong, and why I would not concur in it, that it was impossible to prevent such a proceeding from being misrepresented into an attempt to

control or muzzle the press?

Mr. CLAYTON. I remember that perfectly. It

nessee, and was so well stated by him, may have justified him in the belief that some such design was entertained by somebody to draw him into that meeting. I only wish to assure him that I am perfectly convinced he is entirely in street in that

in error in that.

Mr. BELL. Did the Senator from North Carolina that meeting dissent from that resolution?

Mr. CLAYTON. Which one?

Mr. BELL. I mean the one drawn up by the Senator

from Georgia.

Mr. CLAYTON. I cannot recollect that he did. But Mr. CLAYTON. I cannot recollect that he did. But I know he dissented before he and I parted that day from the policy of presenting it to the editors.

Mr. BELL. Did he assent to it at the meeting?

Mr. CLAYTON. I cannot remember.

Mr. BELL. I understood, just as I came in the room, that the Senator himself objected to it. That resolution was the whole thing to which I directed my attention.

Mr. CLAYTON. Then the Senator must have been ab. | pressed it so far that at last they received a severe castientirely satisfied with the amende honorable which the gentleman has so frankly made. I expected nothing less from him, distinguished as he is for his general urbanity as well as his sense of justice.

Next, sir, I desire to allude very briefly to the incidents which have been so much commented on in the progress of this discussion by honorable Senators who have acted with me on this side the chamber. The discussion that the chamber. The discussion is also the chamber are the chamber. The discussion is also the chamber are the chamber and the chamber are the chamber. The discussion is a constant of the consultation. I see nothing size the facts to justify any impeaciment of either the motives or actions of any one present at that meeting. The point upon which those who were present at that meeting. The point upon which those who were present at that meeting. The point upon which those who were present at that meeting. The point upon which those who were present at that meeting. The discussion of the consultation. very important particulars, by the proposition of the Senator from North Carolina, and also by that which I submitted. It became a very different bill from that which was before us at the meeting. A pledge to vote for the latter did not require a vote for the former; and a vote for the one might have been held a violation of a pledge to vote for the other. I was then and am now for the re-peal of the line of 36° 30', but not on the terms of this bill, because the bill is not a true non-intervention bill, as I demonstrated on a former occasion; and I think the amendment made shortly before the passage of the bill, on motion of the Senator from North Carolina, to repeal the old French and Spanish law in this territory, (for which amendment I did not vote,) changed essentially the character of the bill, and made a precedent which may prove very embarrassing to those who sustained it in case Cuba should ever be annexed to this Union. On the principles explained and vindicated by me in the speech I delivered before the passage of the bill, I have steadily acted from the time it was introduced, and shall still continue to act. I have, therefore, nothing, now to explain or to add on the merits of this bill.

I shall now address myself to the single question of the amendment before meby

I have heard an anecdote of two very able and learned gentlemen who argued a case of replevin about some pigs. While engaged in the argument they forgot the pigs and entered into a personal altercation, which lasted pigs and entered into a personal altercation, which lasted throughout the trial, and was conducted with signal ability on both sides. At the close of it one of these gentlemen said to his client, "are you satisfied with my speech?" "It was very well spoken," said the client, "but I should have been better pleased to have heard something said about the pigs." [Laughter.] Now, sir, I propose to say something about the "pigs," [laughter:] about the amendment which was moved by my honorable friend from Maryland, and which is the same amendment that I moved to the bill called the Nebraska bill when it was passed by the Senate. This amendment proposes to was passed by the Senate. This amendment proposes to strike out that part of the bill which allows foreigners to vote without naturalization in the Territories of Nebraska and Kansas.

Here, sir, in the outset, before I proceed to the brief discussion which I propose, let me premise that I am about to say nothing with the expectation of changing the opinion of any one here. I know very well that the Senate intends to reject the amendment without reference to its ments, because gentlemen here are afraid to trust the House of Representatives with this bill again. Honorable Senators have expressed this in debate; and I am just as well informed of the fate of the amendment as if just as well informed of the late of the amendment as it the yeas and nays had been called upon it. I know, too, very well that honorable gentlemen intend to pass the bill to-night: and, when I shall have done my duty, I shall submit without a murmur to the will of the majority. I only desire to vindicate my own position in re-ference to this particular amendment, because, as it originated with me, it has been identified with my name, and I stand, as it were, god-father to it, although my honorable and distinguished friend from Maryland (Mr. Pearce) has also adopted it by moving it again, and I

thank him for having done so.

It is very much to be regretted that the House of Rep-The matter was so advoitly managed in the House as to avoid it. After referring to the Committee of the Whole the Senate bill, which, as it was amended on my motion, contained no provision allowing aliens to vote, the committee rose with it, and, by a motion to substitute for it another bill allowing aliens to vote and calling the pre-vious question, the change was made so as to prevent a vote on the amendment as a separate proposition. We, therefore, have no knowledge of the real sentiment of the House on this question. We only know that its enemies were afraid to suffer it to have a fair trial, or that some of its secret fees were afraid to show their hands. And now it is not to have a fair trial here because it is confidently said by more than two-thirds of its friends that though they are conscientiously and unalterably in its favor, yet the Nebraska bill will be defeated if the House of Representatives are again entrusted with the power over it which they would have by returning it to them with any amendment to it. If that be true the bill ought net to pass, because there cannot be a real majority in its favor. The Senator from Indiana (Mr. Pettit) asserts, also, that if the bill does not pass now it never will pass, because there will never be another majority for it. But the fact is there are certain members of the other House who are afraid, if the amendment goes back to them, they will be compelled to vote for it or be ruined at home; and they labor with their friends here, who are also friends of the bill, to defeat it in the Senate on some

also friends of the bill, to defeat it in the Senate on some pretext which will save themselves from the danger of being held to be enemies of the principle contained in it.

There are grave and weighty considerations arising out of this proposition. It presents no ordinary question. It may differ with honorable gentlemen in regard to the relative importance of the repeal of the Missouri compromise and the amendment; but, without undertaking to draw comparisons between the two, suffer me to say that few questions ever present themselves here of more than the services of the ser few questions ever present themselves here of more im-portance for the consideration of a statesman than this very amendment.

which this amendment is to be applied are not like any other Territories over which we ever undertook to extend our laws. They are computed to embrace within their limits more than five h thousand square miles. Both together form a territory capable of holding the population of an immense empire, larger in area than twelve such States as New York. The principles which Congress shall establish for that territory in the incipient stages of the governments there formed will probably nay, almost certainly, be perpetuated; at least we may expect they will last for ages to come. Whatever may be the principle adopted now on the subject of the suffrage of aliens, rely upon it that same principle will govern in the establishment of a constitution both for Kansas and Nebraska, because if aliens be allowed to vote under the Territorial governments. they will assist in the formation of the constitution, and of course will provide for the votes of aliens under the of course will provide for the votes of aliens under the State governments. Whatever principle you adopt now in relation to this matter will be incorporated into the constitutions of Kansas and Nebraska, when they come in as States, as certainly as the same principle was incorporated in the constitution of two of the Northwestern States in consequence of a similar provision in the acts organizing their Territorial governments—an error I will prove it to be—the gross error of allowing a State to come nto this Union with a clause in her constitution permitting aliens to vote. The unconstitutionality of such a provision I think I shall demonstrate before I have done with it. It never would have been incorporated in the State constitutions of any of the Northwestern States if the blunder had not been made originally when the Terri torial governments were organized

For another reason this is a vastly important subject. Have you noted, sir, the extent of the exodus from Europe to this country within the last year? Why, sir, it stated confidently that on one day within the last week (I think on last Friday or Saturday) twelve thousand four hundred foreign immigrants were landed in the city of New York, composed of Germans, Irish, and men from nearly all the countries of Europe. The statement also is that in about ten days more than twenty thousand such immigrants were landed at New York.

Mr. SEWARD. Twelve thousand landed on one Sa-

turday morning, I believe, and all went to church the next day. Mr. CLAYTON. No matter where they went or how

they best wed themselves, twenty thousand arrived at that single port in ten days: and it is further stated that this is the rate at which the immigration has gone on for several months. It has even been said that recently, within one month, more immigrants entered the city of New York than the whole foreign immigration amounted Mr. CLAYTON. I remember that perfectly. It is true. After discussing the matter we adjourned without action. We never called on the editors of the Intelligencer; we never controlled the paper, nor attempted to control it. It pursued the even tenor of its way, without any interposition from us, from that day to this.

Now, sir, as an act of justice to gentlemen here, let me say that I can assure my honorable friend from Tennessee that there was not entertained, so far as I knew, or had any reason to believe, the slightest idea of entrapping him that meeting. The whole object was what I have explained. I should have been one of the last men in the world to attempt to entrap my honorable friend from Tennessee, and he knows it, and will acknowledge it. I do not believe that any gentleman there thought of such a thing. Yet the concurrence of circumstances which was presented to the mind of the honorable Senator from Tennessee, and was so well stated by him, may have justified to for any one year past. The computation in the statement to which I have referred is that such is the extent

as I am concerned, be heartily welcome.

But, sir, do you not see, from the facts which I have stated, how important is the question upon which the Senate is called upon to decide? It is a question upon the decision of which the happiness and the prosperity of countless millions in ages to come may depend. It is a question, perhaps, upon the decision of which the very stability and safety of our Union may depend. It is a question whose bearings and relations are greater and more extensive than I will attempt to depict or describe. Every intellectual and patriotic citizen may feel them and understand them without my dwelling upon them. understand them without my dwelling upon them.

Sir, it is said by the great historian of the Decline and Fall of the Roman Empire that Rome, while she confined the privileges of citizenship to the people of Rome, remained a Republic. True it was, says Mr. Gibbon, that

the Samnites and the Lucanians, having allied themselves with Rome, endeavored to enforce their demand of the rights of citizenship on equal terms with the Romans, and

gation for it; but the histor an informs us that when Rome extended the privileges of citizenship to the other States

of Italy she ceased to be a Republic; and from that day forward she remained a monarchy and despotism forever.

Smarthing is due to the admonitions of history.

I am not, upon this occasion, about to examine at length the mere expediency of allowing aliens to vote. But, let me say, I am not an enemy to the naturalization laws. I do not propose to discuss the principles on which proper naturalization laws should be based. Yet I ought remind the Senate, in this connexion, that the right vote is the right to govern, and that the utter fallacy of the boast so often made by the friends of this bill, that it conboast so often made by the friends of this bill, that it con-fers on our people the right of self-government, is demon-strated by the very statement of the fact that aliens who will have no interest in the soil, and who may have just escaped from the prisons of Europe, or who do not under-stand the first principles of our Government, will have the power to vote, and by reason of that the power to govern American citizens who may remove to that region. Of all the rights known to a true American the right to vote is regarded as the most important to him as a freeman. He would forfeit his life rather than fail to defend and protect it. This is the true right of self-government in our Republic. Here is "the fountain from the which our current runs, or bears no life." But if a stranger who has no interest here, and is utterly incapable of under-standing our institutions when he first lands on our soil, is to be allowed to neutralize all the influence of an intelligent and true American citizen by "killing his vote," as the phrase is, the rights of that citizen are as effectually invaded as if power was given to that foreigner to deprive

him of his vote.
Sir, I am no enemy to foreigners; but I am a true American, and prefer that name and the rights which be-long to that character to the name of an Irishman, or a erman, or any other foreigner under heaven. I scorn the low and contemptible appeals which are constantly made by demagogues to win the votes of foreigners by flattering them with the belief that they are of more importance here than our native citizens. I place the naturalized foreigner on an equal footing in the exercise of the sacred right of voting with those who, like myself, were born Americans. When he has served his appren-ticeship here, to learn the science of self-government, during the period prescribed by our naturalization laws, and become Americanized, I will respect him as an American citizen; but I will never consent to cheapen that right by conferring it on all the foreigners as soon as they and on our shores. It would be as unjust to the intelligent naturalized citizen as to the native. I would ever prefer the claims to public office of a son of the soil in his native country over those of any foreigner, unless that foreigner had superior merits or qualifications for the office. The children of the foreigners born in these States or Territories are as justly entitled in my opinion to honors and offices here as any other native citizen, and

Sir, the principal question before us has been said to be a question of constitutional law. I wish to consider this question, which has not been dwelt upon in this debate: whether the proposition in the bill to allow aliens to vote in these Territories, which is refused in other Territories, be not absolutely unconstitutional, and ought not to be declared void if the question could be and were presented to the Supreme Court of the United States? Honorable gentlemen here have not looked back upon their own records. I remember well when, in the year 1836, while I was a member of the Senate, all the questions connected with this amendment were discussed by

some of the ablest men who ever graced the Senate cham ber. On the bill for the admission of Michigan into the Union, when the first application for her admission was made, (for there were two such applications,) this ques-tion was presented. She had in her constitution a clause allowing aliens to vote, and also fixed by it her own boun daries, extending her territory within the limits of Ohio and Indiana, for which she was refused admission until, by a convention, to be elected for the purpose, she should assent to a line prescribed by Congress, to prevent a collision with those States. Mr. Wright having introduced a proposition allowing, in general terms, "the people" to vote in the election of delegates to revise this constitution, exception was made to that by Mr. Porter, or Louisians, one of the first jurists of the country at the time, by Mr. Calhoun, by Mr. Clay, by Mr. Southard, and by many other gentlemen whose names appear upon the record which I have before me. I was, by the necessities of my position here at that time, involved in that debate, and an attentive observer of it. The first pro-position to admit Michigan into the Union had been referred to the Committee on the Judiciary, of which I was at the time the chairman. I reported a bill to admit Michigan into the Union, and, by direction of the cemmittee, I moved to remit her to another convention, which should strike from the constitution first proposed by her that clause which allowed aliens to vote, and change the clause in relation to her boundary which brought her, on admission into the Union, into conflict with her sister

States. The committee desired this convention to be held for the purpose of considering both these propositions. The friends of the measure reported by the committee discussed the bill at great length, and particularly the alien clause. I will by and by state what was the result of the discussion; but, before I proceed further in the history of that matter, I desire to state the principles connec with this subject, which I conceive are established by the true construction of the Constitution of the United States Citizen and alien have been properly considered as cornot a citizen. A citizen may be defined to be any person residing in any State or Territory of the United States,

who enjoys all the rights, privileges, and immunities of a man of full age, born and resident in those States or Territories. What is naturalization? It is sufficient for my purpose to define it as that process by which the Congress of the United States removes the disabilities of alienage. Now, what are the disabilities of alienage? In the first place, an alien cannot vote unless the power is specially conferred on him. In the next place, an alien is not entitled to and cannot demand protection from the Govern-ment. He is under no obligations to it, and he may make war upon it without incurring the penalties of treason He cannot petition the Government for any wrong which he has suffered. If he be here while the country from which he came is at war with the United States, he is liable, under an act of Congress, to be ordered out of the country within a given time, and therefore he has no right of permanent residence here in such a contingency as that which I have mentioned. These are all known and acknowledged disabilities of alienage. The disqualifica tion of an alien to vote does not arise merely from an act of Congress or an act of a State Legislature. It exists of Congress or an act of a State Legislature. It exists as an incident to alienage here and everywhere. It must be removed by competent authority and by positive enactment before an alien can exercise the right of suffrage. It is inherent in the very nature of alienage that it cannot exercise a right by which it may govern others. There can be no just idea of popular rights and national sovereignty or national independence where the notion prevails that an alien ought to yote. Give this right to foreign ers, as is proposed by this bill, and you surrender nearly all that distinguishes him from an American. Nay, you give these rights to strangers, with whom you may be at war to-morrow, while you refuse to your own citizens in one State the right to vote in another; for by the law of nearly every State in this Union some qualification is required for a voter besides naturalization, and generally, among others, residence for a stated period is an indis-pensable prerequisite. But by the provisions of this bill any alien may vote in these Territories without pre-vious residence or paying a cent of tax to support the Government which he is to control by his vote.

Now, sir, naturalization being nothing more nor less

than the removal of the disabilities of alienage, Congress can pass a law for that purpose, provided it be "uniform, either for the removal of the whole of these disabilities in one law, or for the removal of any one, two, or three, or any other number in separate bills or laws. ference flows irresistibly from the previous position. Congress, therefore, has the power, under the Constituof the United States, to provide that aliens may vote in all the States and Territories, subject in the States to such restrictions as a State may impose in the exercise of its reserved powers on all voters. That would be naturalization pro tanto; that is, to that extent it would remove the disability of alienage, and it would be constitutional, because it would be uniform.

Further, Congress can grant the right of petition or

any other of the rights of citizenship. It may grant them altogether, or it may, as I have said, grant them separately, always taking care that the grant is uniform; but Congress cannot grant one of these constituent parts which make up the aggregate of all the attributes or rights of citizenship to one State and refuse it to another. It cannot, by a direct law, allow an alien to vote in Virginia and deny him the right to vote in Delaware. If this does follow, as I think it clearly does, then I undertake to say that Congress cannot grant exemption from any disability in Nebraska, and refuse it in the other Territories and in the States of the Union, without violating that clause in the Constitution of the Union which declares that Congress shall have power to make form" laws of naturalization. A law removing all the disabilities of alienage, and thus making them citizens in Nebraska, and yet not extending that provision to the other Territories and States, would be, I suppose, by every body, admitted to be unconstitutional. Then is it every body, admitted to be unconstitutional. Then is it not a fair and irresistible consequence that, if Congress only remove a part of the disabilities of alienage, or if it proceed but partially, or protanto, to naturalize the aliens in Nebraska, without extending the same privilege to other sections of the United States, it is decidedly and aleast exponentiational.

time, will find that the leading principles on which I th en relied, and still rely, were sustained by the ablest men of this body at that day.

Mr. SEWARD. I wish to ask the honorable Senator as

to one considerable difficulty that lies in the way of his proposition, in my mind. My question is, whether the Senate of the United States in making a treaty with a foreign Power, incorporating a portion of a foreign country in the United States, as in the case of Louisiana and Florida, have power to stipulate to extend the rights of citizenship to foreigners in that case? Mr. CLAYTON. I shall soon refer, in the course pre-

cribed for myself, to the very matter to which the gentleman has called my attention. It had not escaped me. As there are many here who rest particularly upon the opinions of John C. Calboun, and as many of those genopinions of John C. Calboun, and as many of those gentlemen who have taken ground against the amendment are known to be followers of his doctrines, I will read from a speech delivered by him the answer given by him to that very question which the Senator has propounded to me, and so much of that speech as is necessary to show the opinions of its author upon the whole question now pending before the Senate. Mr. Calboun was remarkable for the logical character of his mind, and, above all men but one that I over knew, was the most remarkable for his power of condensation, and the passages to which I shall call the attention of the Senate are strikingly characteristic.

While that bill to which I have referred was under consideration before the Senate, on the 2d of April, 1836 consideration before the Senate, on the 2d of April, 1836.
Mr. Porter, of Louisiana, having moved to recommit the
bill to a committee, in consequence of the defects which
I have pointed out, and particularly the clause about the
right of suffrage, Mr. Preston, of South Carolina, took the
ground that the clause was constitutional, and also that
it was constitutional to allow a State in her constitution, at the time she was admitted into the Union, to authorize

aliens to vote. On these questions Mr. Calhoun took issue with Mr. Preston.

Mr. Clay had moved to amend an amendment, which had been introduced by Mr. Silas Wright, to allow "the people" to vote, so as to restrict the right of suffrage in Michigan to those about to elect a convention to make her constitution to male citizens of the United States of twenty-one years of age. Mr. Calhoun sustained that motion and discussed both questions. Among other things, he said:

"Michigan is not yet a State. Her constitution is not yet formed. It is, at best, but in an incipient state, which can only be consummated by complying with the conditions which we may prescribe for her admission. A convention is to be called, under this bill, to agree to these conditions. On motion of the Senator from New York (Mr. Wright) a provision was introduced into the bill giving the right to the people of the Territory at large—without limitation or restriction as to age, sex, color, or citizenship—to vote for the members of the convention. The Senator from Kentucky, (Mr. Clay,) while the amendment of the Senator from New York was pending, moved to amend the amendment by striking out 'people' and inserting 'free white male citizens of twenty-one years of age;' thus restricting the voters to the free white citizens of the United States, in conformity with what has been usual on such occasions. "Michigan is not yet a State. Her constitution is not yet

such occasions.

"Believing that Congress had the unquestionable right to "Believing that Congress had the unquestionable right to prescribe the qualifications of voters, as proposed by the Senator from Kentucky, and that the exercise of such right does not involve, in any degree, the question whether a State has a right to confer on an alien the rights of citizenship, I must repeat the expression of my regret that my colleague has felt it to be his duty to raise a question so novel and important.

"I do not deem it necessary to follow my colleague and the Senator from Kentucky in their attempt to define or describe a citizen. Nothing is more difficult than the definition or even description of so complex an idea; and hence all arguments resting on one definition, in such cases, almost necessarily lead to uncertainty and doubt. But, though we may not be able to say with precision what a citizen is, we may say, with the utmost certainty, what he is not. He is not an alien. Alien and citizen stand in contradistinction to each other. They, of course, cannot co-exist. They are, in fact, so opposite in their nature that we cannot conceive of the one but in contradistinction to the other. Thus far all must be agreed. My next step is not less certain.

"The Constitution confers on Congress the authority to pass uniform laws of naturalization. This will not be questioned; nor will it be that the effect of naturalization is to remove alienage."

tioned; nor will it be that the effect of naturalization is to remove alienage.

"To remove alienage is simply to put the foreigner in the condition of a native born. To this extent he act of naturalization goes, and no further.

"The next position I assume is no less certain, that when Congress has exercised its authority by passing a uniform law of naturalization, as it has, it excludes the right of exercising a similar authority on the part of the State. To suppose that the States could pass naturalization acts of their own after Congress had passed an uniform law of naturalization, would be to make the provision of the Constitution nugatory. I do not deem it necessary to dwell on this point, as I understood my colleague as acquiescing in its correctness.

"I am now prepared to secide the question which my colleague has raised. I have shown that a citizen is not an alien, and that alienage is an insuperable barrier, till removed, to citizenship; and that it can only be removed by complying with the act of Congress. It follows, of course, that a State cannot, of its own authority, make an alien a citizen without such compliance. To suppose it can involves, in my opinion, a confusion of ideas which must lead to innumerable absurdities and contradictions. I propose to notice but a few."

Then complaining that the geutlemen on the other side

Then complaining that the gentlemen on the other side of the chamber were pressing the bill through to a vote that night, and that it was done for a party purpose to procure the votes of Michigan for Mr. Van Buren, he proceeds with the discussion :

"Whatever difference of opinion there may be as to what other rights appertain to a cititen, all must at least agree that he has the right to petition, and also to claim the protection of his Government. These belong to him as a member of the of his Government. These belong to him as a member of the body politic, and the possession of them is what separates citizens of the lowest condition from aliens and slaves. To suppose that a State can make an alien a citizen of the State, or, to present the question more specifically, can conforon him the right of voting, would involve the absurdity of giving him a direct and immediate control over the action of the General Government, from which he has no right to claim the protection and to which he has no right to present a petition. That the full force of the absurdity may be felt, it must be torne in mind that every department of the General Government is either directly or indirectly under the control of the voters in the several States. The Constitution wisely provides that the either directly or indirectly under the control of the voters in the several States. The Constitution wisely provides that the voters for the most numerous branch of the Legislatures in the several States shall vote for the members of the House of Rep-resentatives; and as the members of this body are chosen by the Legislatures of the States, and the Presidential elector-either by the Legislatures or voters in the several States, it follows, as I have stated, that the action of the General Government is either directly or indirectly under the control of the voters in the several States. Now, admit that a State may confer the right of voting on all aliens, and it will follow

the voters in the several States. Now, admit that a State may confer the right of voting on all aliens, and it will follow as a necessary consequence that we might have among our constituents persons who have not the right to claim the protection of the Government or to present a petition to it. I would ask my colleague if he would willingly bear the relation of representative to those who could not claim his aid as Senator to protect them from oppression, or to present a petition through him to the Senate praying for a redress of grievance? And yet such might be his condition on the principle for which he contends.

"But a still greater difficulty remains. Suppose a war should be declared between the United States and the country to which the alien belongs; suppose, for instance, that South Carolina should confer the right of voting on alien subjects of Great Britain residing within her limits, and that war should be declared between the two countries, what, in such event, would be the condition of that portion of our voters? They, as alien enemies, would be flable to be seized under the laws of Congress, and to have their goods confiscated and themselves imprisoned or sent out of the country. The principle that leads to such consequences cannot be true; and I venture nothing in asserting that Carolina, at least, will never assent to incorporate, as members of her body politic, those who might be placed in so degraded a condition and so completely under the control of the General Government.

"But let me pass from these (as it appears to me conclusive) views, and inquire what were the objects of the Constitution in conferring on Congress the authority of passing uniform laws of naturalization; from which, if I mistake not, arguments not less conclusive may be drawn in support of the position for which I contend?

guments not less conclusive may be drawn in support of the position for which I contend?

position for which I contend?

"In conferring this power the framers of the Constitution must have had two objects in view: One to prevent competition between the States in holding out inducements for the emigration of foreigners; and the other to prevent their improper influence over the General Government, through such States as might naturalize foreigners, and could confer on them the right of exercising the elective franchise before they could be sufficiently informed of the nature of our institutions or were interested in their preservation. Both of these objects would be defeated if the States may confer on aliens the right of voting and the other privileges belonging to citizens."

aliens the right of voting and the other privileges belonging to citizens."

"My colleague cites in support of his position the example of Vermont, North Carolina, and, if I recollect rightly, Rhode Island, under whose constitution aliens, it seems, may vote. It is a sufficient answer to say that their constitutions were adopted before the existence of the General Government, and that the provisions which permitted aliens to vote constituted a portion of their constitutions when they came into the Union. North Carolina has since amended hers, and limited the right of voting to citizens. If Vermont and Rhode Island have not done the same it must be attributed to that visinerica which indisposes most States to alter their constitutions, or to accidental omission. But we have the authority of the Senator from North Carolina, (Mr. Mangua,) and also the Senator from Vermont, (Mr. Parntiss,) that, under the decision of the courts of the respective States, their constitutions have been so construed, since they entered the Union, as to confine the tight of voting and holding lands to citizens of the States, so as to conform to the principle for which I contend. To cite a case in point, my colleague ought to show that, under the constitution of any State formed since the adoption of the Constitution of the Union, the right of voting had been conferred on an alien. There is not, I believe, an example of the kind; from which I infer the deep and universal conviction which has pervaded the public-suind that a State has no authority to confer such right; and thus the very example eited by my colleague serves but to strengthen instead of refuting the position which I seek to maintain."

I now come to the answer to the question put by the honorable Senates from Naw Verk Leaid I would an.

other sections of the United States, it is decidedly and clearly unconstitutional?

I now come to the answer to the question put by the honorable Senator from New York. I said I would answer it by reading Mr. Calhoun's reply to it. It seems that Mr. Preston had put that question, and used it by orable gentlemen who will look back to the records of that